

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re : Chapter 11
MOTORS LIQUIDATION COMPANY, et al.,: Case no. 09-50026 (REG)
f/k/a General Motores Corp. :
Debtors :
.....

ANSWER TO DEBTORS EIGHTY- NINTH OMNIBUS OBJECTION TO CLAIMS
AND MOTIONS REQUESTING ENFORCEMENT OF BAR DATE ORDERS
(Late-Filed Claims)

TO THE HONORABLE COURT

Comes now, Lugo Auto Sales, Inc. through the undersigned attorney and respectfully represent:

1. Creditor was included in the Exhibit "A", a list of creditors who allegedly filed a late Proof of Claim.
2. The Proof of Claim of the appearing creditor was filed more or less at the bar date.
3. The United States Supreme Court of the United States has established a standard for allowing a late claim, requiring a showing of excusable neglect. Pioneer Inv. Servs. Co. v. Brunswick Assocs., 507 U.S.380 (1993). The Pioneer Court established five factors in consideration of what constitute excusable neglect: (1) the degree of prejudice to the debtors; (2) the length of the delay and its potential impact on judicial proceedings; (3) the reason for the delay, including whether it was within the reasonable control of the claimant; (4) whether the claimant acted in good faith, and (5) if a claimant has counsel, whether a claimant should be penalized for their counsel's mistake or neglect.
4. It's clear that there was no prejudice to Debtor neither he alleged or established any damage or prejudice; there wasn't a significant delay with any impact on the judicial proceedings; the delay wasn't in the control of the claimant because the attorney that was representing the claimant in the state court was not a bankruptcy practitioner; and finally the claimant always acted in good faith.

WHEREFORE, the Claimant prays that the Motion Requesting Enforcement of the Bar Date be denied and order any other relief that the Court deems just and proper.

October 17, 2010

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